App. F. IX-4.

1924.

Previous references. (Courts)

File No. 283-24

Serial Nos. 1 — 8

Later references.

CB 157-27-1203 (Confdl)

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight

Part B for August 26.

SUBJECT

Papers relating to the explanations of Messrs Abdul Hukk and M. S. Ramachandra Rao B & B.L. for not recording the ~~dedat~~ dying declaration of a woman in the Civil Hospital, Kolar and the issue of instructions by the Chief Court to the Magistrates in the matter of recording dying declarations

Filed

Ramaswamy Iyengar
6/8/26

G. R. S. III-1]

1924-25

5172/D

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 283

FILE HEADING.

omission to record dying declaration by certain magistrates in the Kolar Dt

From

The D. M. Kolar.

Jr No. 439 Dated 27-5-25 Received 1-6-25

Diary No. 5172] Enclos. 2 Spare Copies. [Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the explanations of the Ex officio First class magistrate and Special First class magistrate Kolar for not recording the dying declaration of a woman in the Kolar Civil Hospital and states that both the explanations are unsatisfactory.

NOTES AND ORDERS.

1) Sd. As both the magistrates happen to be Assistant Commissioners, the question may perhaps be dealt with in the C.B.

C.B.) 28/6

2/6/25 28/6

2) This should have come up with the notes of the Secy concerned and the opinion of the Secy Hd. That would have facilitated disposal — 11.6.25

12/6

NOTES—First Sheet.

806

Serial No

3) Abd Jr order. The full records are not submitted to know whether it was incumbent on the Magistrate to record the dying declaration. It is only in the case when a person in an imminent investigating whose evidence is required is in imminent danger of death, his statement should be recorded by a Magistrate ~~exercising judicial functions.~~ ~~Some other person including a police officer may record a dying declaration in the presence of the accused or of~~ attending witnesses. (Bengal. Pol. code p. 377 – vide. pp. 358 of the Sohoni's Cri. Pro. code). Vide also rules 194, 195 & 196 of the Pol. Manual.

4) According to rule 196, it is perhaps the medical officer who should give notice to the nearest Magistrate in the present case, as stated in Md Abdul Haki's explanation no such requisition seems to have been sent to him.

5) There appears to be no definite ruling as to the Magistrate who should attend to such cases of recording dying declarations and in the present case the omission on the part of both the Executive & trying Magistrate to comply with the requisition

other other officers, do not seem to be are requiring severe notice. The D. M. may perhaps be asked to instruct the [illegible] to use more tact and not to give room for such correspondence in future.

18/6/25

6) It is not clear whether the requisition was made in the course of investigation. This information is necessary in order to apply Section 164 of the Cr. Pro. Code. Full information may be called for as well as such & other facts if any

29/7

29/7

7) Put with a draft

30/7/25 31/7

8) Put

28/7/25

To.

The D.M. Kolar

P. 507 dated 5/8/25.

Observes that it is not clear whether the requisition was made by the Police Sub Inspector during the course of investigation and requests to report the full facts of the case

21.

5/8

Serial No

9) Sd. The records have not yet been received

26/8/25

10) Called for personal. The records have not been received. They seem to be necessary to determine whether the requisition has made mention in the course of investigation.

26/8

27.8

28.8

783/28.8

11) Reply given. Why has an order been issued within a week, an urgent reminder may be sent

29/8

29

18/9

Fortnightly on the 15th of every month is used -

Sd. 3/9

Sd. 7/9/25

Issue cay. 7/9

Order No P145 1/9.9.25

From

Medom. Kolar. Letter No JC H 439 dt 30.9.25

States that the Sub Inspector of Police of Kolar town having received a report on the night of 20th April 1925 from the Dy. medical officer that a mahomedan woman who had been admitted for treatment of very serious injuries sustained by her by a gunpowder explosion, was in a bad condition and that her dying declaration had to be recorded, approached Mr M. Abdul Haqq with the request to proceed to the civil hospital for recording

Serial No.

the dying declaration of the woman and on this direction he applied to the Special magistrate who in his turn referred him to the Bench magistrate or Sheristadar and that the woman died before any action could be taken on the report of the Inspector of police to the Dy. Govt. in the matter

12) Submit with reference to paragraph (6) above

B/
6/10/25
6/10

13) Please bring up with Cr. Pro. Code. 7.10

14) The facts are these: on the night of 20th April 1925 the Sub Inspector of Police Kotur Town got information from the medical officer that a Mohamadan woman was admitted into the Hospital with serious injuries caused by gun powder explosion. The Sub Inspector approached Mr Abdul Khadir, the Ex-officio magistrate and requested him to go to the Hospital to record the dying declaration of the patient. He directed the Sub Inspector to the special magistrate Mr M. S. Ramachandra Rao. On the Sub Inspector approaching him and explaining the seriousness or urgency and informing him of the lack of Mr Khadir's refusal, Mr R. Rao directed him to the Bench magistrate or Sheristadar. This was then brought to the notice of the Dh mgle and before he could take any action the woman died. There were, however no suspicious circumstances in the case and the Dh mgle says that the

Serial No

omission has not led to any serious consequences. But we do not think that the matter of recording dying declarations should not be made to depend upon such accidents and that both the magistrates failed in their duty.

15) Mr. Abdul Shukh in his explanation says (1) that it was primarily the duty of the Spl. mgte. to record dying declarations (2) that the patient being a Sunna Mohamadan woman, he thought she would feel shy to depose in his presence and that therefore he directed the Sub Insp. to the Spl. mgte. Incidentally he mentions (3) that there was no requisition from the medical officer and that he would have recorded the statement if he had known that Mr. R. Rao had declined.

16) Mr. R. Rao says that he declined to go to the Hospital because he thought (1) that under the Separation Scheme this duty which was executive devolved on the Ex-officio magistrates and that he had no jurisdiction and (2) that unnecessary complications ~~may or the~~ might have arisen if he ~~had~~ recorded the statement as he might have to inquire into the case.

17) The main question for determination and on which the Ex-officio & the Special magistrates differ is: ~~one of~~ Whose legitimate ~~day~~ duty it was to ~~have~~ record the dying declaration.

Serial No

18) Section 164 of the Criminal procedure Code provides for cases in which any magistrate may record any statement or confession made to him in the course of investigation by the Police. The explanation to that section says that the magistrate ~~recording~~ ~~recording~~ need ~~not~~ be a magistrate having jurisdiction

19) Under the Cr. Pro. code of 1872, it was considered that the statement recorded by a magistrate holding the subsequent enquiry ~~was~~ did not fall within the purview of section 164. But the amendment to that section by adding the explanation makes it clear that even the magistrate who is likely to hold the inquiry may record the statement or confession.

20) Under Schedule IV to the Code of Cr. Procedure it is one of the ordinary powers of a magistrate to record statements and confessions under section 164. ~~of the~~.

21) It is therefore clear that both the ex-officio magistrates who are invested with ordinary powers and the special magistrates who are invested with both the ordinary and additional powers ~~and~~ jurisdiction

Serial No.

to record the statements or confessions under Section 164 Cr. Pro. code. This fact should therefore be brought to the notice of the magistrates concerned in this case, so that there may not be a recurrence of the mistake. When a case under Section 164 comes up before them. It is submitted that a circular may not perhaps be unwarranted.

There is one difficulty in this case ~~which does not~~ that Section 164 Cr. Pro code applies only to cases under the investigation of the Police under chapter XIV. But in this case as the facts turned out, it cannot be said that information of a cognizable or non cognizable case was laid before the police under Sections 154 or 155 Cr. P. code nor can it be said that the Police officer was acting under Section 157. Therefore this is not a case which can be said to fall under chapter XIV to apply Sec 164.

Rule 196 of the Police manual, however, ~~requires~~ provides for giving notice ~~to the~~ by the medical officer to the nearest magistrate or to the Police in cases in which an injured person is in danger. Though this rule or any other rule does not

Note—Contn. Sheet

Serial No

require that the magistrate should record the dying declaration of persons by implication that the nearest magistrate should. This rule does not ~~make any distinction between the~~ refer to the case being under investigation. Rule 196 therefore seems to provide for a case not under investigation.

If this view is not accepted it seems to be desirable to ~~not~~ provide by either legal rule or a circular. For otherwise very valuable evidence in a case may perhaps be lost.

(1st member) 28/6/11

160/7.11

23) In this case, ~~[illegible]~~ the S.D.O. ~~[illegible]~~ the Sessions Judge of Pabna ~~of~~ appointed for recording the dying declaration of the deceased ~~[illegible]~~ the responsibility by referring to Pabna & Sylhet the Magistrate. I think that any magistrate with whom an application is made of the Pabna for recording a statement under Sec. 164 Cr. P.C. is bound to comply with such requisition ~~[illegible]~~ This view both the S.D.O. of the Sylhet were wrong in refusing to comply with the Pabna requisition to record the dying statement in this case. ~~[illegible]~~ I will point out the mistake to these officers, with the request ~~[illegible]~~ carefully such requisitions again

NOTE—Contn. Sheet

1274-25 1468 A 25 P 10C

General and Revenue Secretariat.

C5 File No. 283 of 1924-25

Serial No

24) With a view to prevent the recurrence of such incidents again it is ~~[illegible]~~ to be hoped the matter will be brought to the notice of the Chief Court ~~[illegible]~~ with a view that some instructions may be issued therefrom for the guidance of Magistrates ~~in the matter of recording [illegible] by the [illegible] [illegible]~~ ~~[illegible] Magistrates~~ in respect of their responsibility for recording statements under Sec 164 etc. when there are more Magistrates than one in the same place who are competent to record the statements

25) A draft letter to the Chief Court is put up for approval

10/11

11/11 11/11

C5 11/11

26) Noted with 2 drafts

12/11/25 & 12 seen

501/20-11 12/11 12th

27) Draft approved

22/11 28 Issue

23/11 23/11

4 To the Regr Calcutta Court No P 26672 & 26-11-25

~~Forward a copy of letter~~ Dtd 27-5-25 (SC1) received from the ~~Dpty Commr~~ Dun Kolen and request that suitable instruction

NOTE—Contn. Sheet

Serial No.

may be issued for the guidance of the magistrates in the matter of recording the dying declarations or statements.

5 Some Dist. Kolar.

No P 2668 of 26.11.25

States that ~~the~~ both the magistrates were wrong in refusing to record the ~~do~~ dying declaration of the women &c.

Cust 1/1

6 From

The Dist. Kolar letter no P 439 of 6.2.26

Requests the return of the explanations offered by Mess. Abdul Hakk and ~~[illegible]~~ Ms. Ramachandra for transmission to the Chief Court as they have asked for the same

28 Sent with a draft 30 Issue

20/2/26

7 To The Dt Magte Kolar

No P 4055 of 20.2.26.

Re the explanation of Messrs Ms. Ramachandra Rao & Abdul Hakk

In this office letter No 2667 of 26.11.25 the Chief Court have been requested to issue instructions to the magtes for recording dying declarations & other statements under section 164 Cr. P.C when there are more magtes than one in the same place. It is not known whether such instructions

31

Note—Contn. Sheet

General and Revenue Secretariat

File No. 283 of 1924-25

Serial No.

have been issued by the Chief Court or not

Submit with a draft

32 Issue

Issued 5687 8/7.5.26

From

The Registrar, Chief Court

Letter no 1162 S 2 8/11.5.26

Note that the question is under consideration and that a reply will be sent to you after the reopening of the Courts.

33 Submit for perusal. The receipt of a reply may be awaited till the 15th June 1926 if approved

12/5/26

Sig 14/5

34 Submit with a remender

36 Issue

6/7

Issued P93 7.7.26

From.

8. The Regr. Chief Court. letter no R Dis 1 8/16.7.26

Forwards a copy of the instructions issued by the Chief Court in the matter of recording dying declarations when there are more than one magistrate in the same place.

NOTE—Contn. Sheet

181 328

WD 01264—GPB—40,000—17-12-25

[App. F. III—2

General and Revenue Secretariat

CS File No. 283 of 1925

Serial No.

37) Submd with reference to para 24. After perusal, the papers may be filed

38) In para 2 of the Registrar's letter the Chief Court suggest that suitable notice may be taken of the conduct of the two Magistrates in giving warning conveyed to them for having omitted to do their duties duly. This is for orders as also the 3rd para wherein the Chief Court have taken exception to the Distt Magistrate addressing Govt direct

Their mistake has been pointed out to them - vide flag R.

OFFICE OF THE FIRST MEMBER OF COUNCIL 26 JUL 1926 No. 979

Ad 25/7

Dd Secy

Dd Secy

39 The mistake has been pointed out to the Magistrates for their future guidance. This is different from 'warning' that Chief Court wants.

Clear instructions have only now been issued by Chief Court, action ahead seems suspt.

Dd 24/7

Secy 24.7

Dd integrity / [illegible] to D DM. that, the Commr should be

40 The previous 1st Member took action on the Commr of the Dt Magte; & hence we do not be skeptical on the ground that [illegible] of Magte was wrong.

41 I shall be glad to know whether Lt Secy has any suggestions

Dd 25/7/26

Dd 25/7

NOTE—Contn. Sheet

328

WD 01264—GPB—40,000—14-12-25

[App. F. III—2

General and Revenue Secretariat

File No. 283 of 1924

Serial No.

42 Note

As the 1st Mr. himself has taken action on D.H.'s communication - it may not be expedient for Govt. to take any notice of his conduct of D.H. now

43 The papers may perhaps be filed

1st Mr.

28/7

44 Agree - but as the Chief Order that has made the a/ce, Submit to Dewan

30/7

Dewan

30/7

30/7

30.7.26

31.7

The papers will be filed w/appr

1st Member

31.7

4/8

4.8

4/8

OFFICE OF THE FIRST MEMBER OF COUNCIL
29 JULY 1926
No. 1137

DEWAN'S OFFICE.
Received on
30. JUL. 1926
Reg. No. 726

1003
2/8

13
6/8

8
5/8

NOTE—Contn. Sheet

5172
P

Confidential

No. J.P. 439
Encs. 2 - 2m. 25

OFFICE OF THE DISTRICT MAGISTRATE,
KOLAR DISTRICT.
Camp Chikkaballapur
Dated Kolar, the 27-5- *192* 5.

Asst Sect.
8
1.6.
28
1.6

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
DISTRICT MAGISTRATE, KOLAR DISTRICT.

To

B.Nagappa,Esq.,Bar-at-Law.,
Secretary to the Government of Mysore,
Local and Legislative Departments,Bangalore.

SIR,

I have the honour to submit herewith for the information of Government and for such orders as they may deem fit to pass the correspondence relating to the omission of the Assistant Commission-er and Ex-officio Ist Class Magistrate,namely, Mr.M.Abdul Hukh and Special Ist Class Magistrate, Mr.M.S.Ramachandra Rao, to proceed to the Kolar Civil Hospital for recording the dying declaration of a woman who had been fatally injured by a gun powder explosion, when requested to do so by the Police Sub Inspector of Kolar town. The Magistrates were when the request was made to them not more than about a couple of hundred yards from the Hospital where the woman was lying and to my mind the reasons given by them for not complying with the request of the Sub Inspector appear to be frivolous. Of the two officers, Mr.Abdul Hukh was first approached. As an ex-officio Magistrate it was a duty that lay peculiarly within his sphere and I can not help characterising his plea that the woman would have objected on the ground of ghosha as absolutely unconvincing.

2. When Mr.Abdul Hukh refused to go Mr.Ramachandra Rao though a trying Magistrate should have gone in view of the urgency of the matter and I can not also accept his excuse as satisfactory.

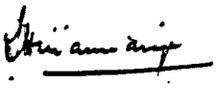
3. The woman died before the dying delcaration could be taken. As it happened the case was one in which there were no suspicious circumstances and the omission has not led to serious consequences. But the importance and urgency of the duty of recording dying declarations should not be made to depend upon accidents of this

kind and it seems to me that both the Magistrates failed to realise their duty in this respect.

I have the honour to be,

s i r,

your most obedient servant,



District Magistrate,
Kolar District.

MVS.

App.F.VI-G1.]

3 B650

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the 192

Date of issue 5/8/25

Signed by

List of enclosures

Copied by

Examined by

Section CS

File No. 283-24

Serial No. 2

No. 507

To The D. M. Kolar.

Sir

With reference to your letter no. JC.439/27.5.25 re the omission of the (the Special I grade of the Kolar) on the part of Magistrates to proceed to the Kolar civil Hospital for recording the dying declaration of a woman who had been fatally injured by a gunpowder explosion, I am directed to ~~observe that it is~~ not clear whether the requisition was made by the Police Sub Inspector during the course of investigation and to request you to kindly ~~proceed~~ report very early the full facts of the case. ~~A very early~~

Have the

8/8

Dr Lidley

Ch 20/7/25 31/7

14684 P 25 4

No. J.C.439/ 24-25
ENCS.

Confidential

OFFICE OF THE DISTRICT MAGISTRATE,
KOLAR DISTRICT.
Camp Mysore
Dated ~~Kolar~~, the 30 9 1925.

CS 283-24-3

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
DISTRICT MAGISTRATE, KOLAR DISTRICT.

To

B.Nagappa,Esq.,Bar-at-Law.,
Secretary to the Government of Mysore,
Local and Legislative Departments,Camp Mysore.

SIR,

With reference to your letter No.P.507/Cts.283-24-2 of the 5th August 1925 regarding the omission on the part of the Special First Grade Magistrate, Kolar, and the Sub Division Officer and - Ex-officio First Class Magistrate to proceed to the Civil Hospital to record the dying delcaration of a woman, etc., I have the honour to state that the Sub Inspector of Police of Kolar town having - received a report on the night of the 20th April 1925 from the - District Medical Officer that a Mahomedan woman who had been - - admitted to the hospital for treatment of very serious injuries - sustained by her by a gun powder explosion was in a bad condition and that her dying declaration had to be recorded, he (Sub - Inspector) approached the Sub Division Officer and Ex-officio First Class Magistrate, namely, Mr.M.Abdul Hukh, with the request to proceed to the Civil Hospital for recording the dying declaration of the patient but he was directed by the said Magistrate to apply to the trying Magistrate. He then approached the Special First Grade Magistrate, Mr.M.S.Ramachandra Rao, with his request explaining that the matter was very urgent and that the Sub Division Officer and Ex-officio First Class Magistrate had refused to comply with his request. Mr.M.S.Ramachandra Rao in his turn failed to meet the - wishes of the Sub Inspector but referred him to the Bench Magistrate or Sheristedar. In the meantime the matter was brought to my notice and before action was taken it was reported that the patient had

APP. F. VI. Gl.]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 192

Date of issue 26/11/25

Signed by M. Cell

List of enclosures.....

Copied by.....

Examined by.....

Section CP

File No. 283-24

Seria No. 4

No. 2667(1)

To The Regr Civil Court

Sir

I am directed to forward herewith a copy of letter no. 439 dt. 27.5.1925 from the Dy. Kolar bringing to the notice of Govt. the omission of the Assistant Court and 1st class magistrate, Mr M. Abdul Hakim and the Special First class magistrate, Mr. M.S. Ramachandra Rao, to proceed to the Kolar Civil Hospital for recording the dying declaration of a woman who had been fatally injured by a gunpowder explosion, and to request that with a view

Copies

over

to prevent the recurrence of such incidents, ~~against~~ the ~~Chief Court may issue~~ suitable instructions may be issued by the Chief Court for the guidance of magistrates in respect of their responsibility for recording dying declarations and other statements under section 164 Cr. P.C. when there are more magistrates than one in the same place who are competent under the law to record the declaration or statement

2. The notice has been taken of the conduct of the magistrates on the administrative side

Mr Justice Ashe

Sir John A. Tey
13/11

B
12/11/25

Mr 12/11

by the Judicial Commissioner
King J. Sent for his opinion
Mr J for
~~maybe similar perhaps~~

Mr

APP. F. VI. Gl.]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 192

Date of issue 26/4/25

Signed by

List of enclosures.....

Copied by

Examined by.....

Section

File No. 283-24

Seria No. 5

No. 12668

To The D/m. Kdar

Sir

With reference to the correspondence ending with your letter no: ge 439 dt 30.9.2 re the failure on the part of the Ex officio first class magistrate Mr Abdul Hakk and Special first class magistrate, Mr. M. S Ramachandra Rao, to record the dying declaration of a woman in the Civil Hospital, Kdar, I am directed to observe that both the magistrates were wrong in refusing to comply

over

with the police requisition to proceed to the Hospital and record the dying declaration of the woman and to request you to kindly point out the mistake to these magistrates and ~~and that~~ to warn them against committing such irregularities again.

2. The Chief Court have been requested to issue suitable instructions for the guidance of magistrates, when there are more than one in the same place, in such cases.

Please etc

[illegible]
12/1/25

[illegible]
12/1/25

[illegible]
12/1/25

[illegible]
12/1

33876

No. Je 439
Encs.

3208

OFFICE OF THE DISTRICT MAGISTRATE,
KOLAR DISTRICT.

LOCAL AND LEGISLATIVE SECRETARIAT
PROTECTION BRANCH

Dated Kolar, the 6th Febry 1926.

No 283-24-6

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
DISTRICT MAGISTRATE, KOLAR DISTRICT.

GENL. & REV. SECTT. G. D. SECTION. 9. FEB. 1926

To
B. NAGAPPA, ESQ., BAR-AT-LAW.,
Secretary to Government of Mysore,
Local and Legislative Departments,
Bangalore.

SIR,

With reference to your letter No. P. 2668/Cts. 283-24-5 dated - 26-11-1925 regarding the failure on the part of the Ex-officio 1st - Class Magistrate Mr. Abdul Hukh and the Special 1st Class Magistrate, Mr. M.S. Ramachendra Rao, to record the dying declaration of a woman ~~in~~ in the civil Hospital at Kolar, I have the honour to request you to ~~kindi~~ kindly return the explanation of the above two Officers, forwarded to you with my letter dated 27-5-1925 as the Chief Court have called for the - same in their letter No. 652/25-26 dated 30-1-1926.

I have the honour to be,

S i r,

Your most obedient servant,

C Ramachendra Rao

District Treasury Officer,
For District Magistrate,
Kolar District.
(Absent from Station).

A.R.
6/2.

APP. F. VI. Gl.]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 192

Date of issue 20/2/26

Signed by W. C. P. G.

List of enclosures.....

Copied by.....

Examined by.....

Section CD
File No 283-24
Seria No.
No. 14055 (2)

To The D. Nellore

Sir

I am directed to ~~forward~~ return herewith the explanations of ~~[illegible]~~ Messrs. Abdul Khakk and M.S. Ramachandrarao for not recording the dying declaration of a woman in the civil hospital at Kolar, as requested in your letter no: Je 439/24-25 dt 6-2-1926

I have etc

C.S.
[illegible]

18/2/26

over

03339

216 328

Telgm:
"JUSTICE"

POST BOX No. 60.
CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

***Bangalore*.....16th July.....192 6**

R.O.C. No. 65 R. dis 1 / 26-27 Encl

CB 283-24-8

GEN. & REV. SECTT. From
DR. P
19. JUL. 1926
G. D. SECTION.

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. Nagappa, Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments,
B A N G A L O R E.

Sir,

I am directed to acknowledge receipt of your letter No. P. 2667/Cts. 283-24-4, dated 26-11-1925, forwarding a copy of letter No. J.C. 439, dated 27-5-1925, from the District Magistrate, Kolar, regarding the omission of the Assitant Commisioner and Ex. officio First Class Magistrate Mr. M. Abdul Hukh and the Special First class Magistrate Mr. M. S. Ramachandra Rao, to record the dying declaration of a woman and requesting that with a view to prevent the recurrence of such incidents, suitable instructions may be issued by the Chief Court for the guidance of Magistrates when there are more Magistrates than one in the same place who are competent under the law to record the declaration or statement under section 164 Cr.P.C., and that a copy of the instructions issued may be sent for the information of Government.

In reply I am to enclose herein for the information of Government, a copy of the instructions issued by the Chief Court in the matter and to request that the Government may be pleased to take suitable notice of the conduct of the two Magistrates in question and to convey their warning to them for having omitted to do their obvious duty.

Further, I am to point out to Government that the District Magistrate of Kolar was not in order in addressing his communication in this matter direct to Government and not to the Chief Court in the first instance, as it relates to a judicial matter in regard to which the Chief Court as head of the Department should have been communicated to first.

I have the honor to be,

Sir,

Your most obedient servant,

M Vinavasingam.
For Registrar.

RL.

IN THE CHIEF COURT OF MYSORE.

Dated Bangalore, 15th July 1926.

Notification No. R. Gs. 1/26-27

Addendum.

Insert the following as Sub paras 4 and 5 under para I, at page 15 of Vol. I General Rules and Orders - Criminal.

4. Dying declarations recorded under Section 164, -- Criminal Procedure Code may, subject to other provisions of the Criminal Procedure Code, be recorded by either an ex-officio Magistrate or a Special Magistrate. Where more than one of such Magistrates are located in the same station, the requisition for recording the statement under Section 164, Criminal Procedure Code, shall, in the first instance be made to the ex-officio Magistrate invested with the magisterial powers of the highest class at that station, and such Magistrate shall record the statement as promptly as possible.

5. If an ex-officio Magistrate is not available at the station or if owing to sufficient and valid reason he is unable to record the statement, the requisition shall be made to the Special Magistrate exercising powers of the highest class at the station, who shall thereupon proceed to take similar action.

Sd/- A. Sreenivasaragavachari.

Registrar.

" Copy "

M. Venkatasingar

For Registrar.

RLN/2.